

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>CHARLES PICARELLA, JR.,</b>	:	<b>CIVIL NO. 1:16-CV-501</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>KRISTA BROUSE, <i>et al.</i>,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 6th day of February, 2018, upon consideration of defendants' motion (Doc. 36) to dismiss the second amended complaint in part, and in accordance with the court's memorandum of same date, it is hereby ORDERED that the motion (Doc. 36) is GRANTED in its entirety as follows:

1. The motion is GRANTED with respect to the Fourteenth Amendment due process and equal protection claims, the Eighth Amendment conditions of confinement claim, and the Monell claim. These claims are DISMISSED in their entirety.
2. The motion is GRANTED as to any claim for damages under the Pennsylvania Constitution. This claim is DISMISSED in its entirety.
3. The claims against defendants James Smink and Brian Wheary are dismissed in their entirety. The Clerk of Court is directed to TERMINATE these defendants.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania